

APPLICANT'S RESPONSES TO
AGENCY AND CERTAIN PUBLIC
ISSUES:

GENERAL LETTER

RESPONSE TO CITY CONDITIONS

FINANCIAL ASSURANCES

Szalay, Kim

From: Jones, Derek [djj@jmbm.com]
Sent: Wednesday, August 31, 2005 3:37 PM
To: kszalay@planning.co.la.ca.us
Subject: Heschel West



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(97 KB)

Kim,

1. Attached below is our letter brief to the RPC. Hopefully this can be included in their "packet."
2. I understand David Rifkind has provided a letter regarding the School's financial resources.
3. After carefully considering the practical difficulties associated with accommodating livestock on the Site, Heschel West does not feel prepared at this time to make provisions for evacuation of horses, et cetera.

Best regards, and thanks for your help!

Derek Jones
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Ref: 64652-0001

August 31, 2005

VIA E-MAIL

Wayne Rew, Chairman
Los Angeles County Regional Planning Commission
Hall of Records, Room 1390
320 West Temple Street
Los Angeles, CA 90012

**Re: Heschel West
County Project/Conditional Use Permit Number 98-062
SCH Number 1998101060
Hearing Date: August 31, 2005 (continued from June 15, 2005)**

Dear Chairman Rew and Honorable Commissioners:

Our office represents Abraham Joshua Heschel Day School West ("Heschel West") in connection with its development of a permanent campus for grades pre-K through 8 on 73 acres of land immediately north of the Ventura Freeway (US 101), and east of Chesebro Road (the "Site").

We are pleased to report that since the June 15 hearing on this matter, we have had productive dialogue with the City of Agoura Hills, and we feel the parties have come a long way toward achieving consensus, particularly with respect to addressing the Project's potential traffic impacts.

Heschel West representatives met with City representatives on June 29, July 13, and July 31, 2005, and enjoyed several telephone and e-mail exchanges before and after those meeting dates. As a consequence of our discussions with the City regarding traffic mitigation issues, the City retained the services of Ourston Roundabout Engineering to evaluate the feasibility and effectiveness of Heschel West's proposed roundabout design for the intersection of Palo Comado Canyon Road and US 101. At the August 24 meeting of the Agoura Hills City Council renowned expert Lief Ourston presented his conclusion that a roundabout is feasible and appropriate for this intersection, can be designed to accommodate semi-trucks, and can be constructed within the existing right-of-way. Mr. Ourston, together with Assistant City Manager Jim Thorsen, also advised the City Council that such a roundabout would effectively mitigate both project-specific and cumulative traffic impacts.

It thus appears that the City and Heschel West are now generally in agreement regarding the feasibility and effectiveness of mitigation measures contemplated for all three of the intersections that require mitigation of project-specific impacts. The City has never objected to Heschel West's proposal to re-stripe and signalize the intersection of Chesebro Road and US 101 (eastbound ramps) at Dorothy Drive. The City has more recently consented to Heschel West's proposal to widen Palo Comado Canyon Road and to slightly reconfigure the intersection of Canwood Street and Chesebro Road at Driver Avenue and Palo Comado Canyon Road. And on August 24, the City's staff and their hired expert expressed a substantial level of comfort with the roundabout design proposed for the intersection of Palo Comado Canyon Road at US 101 (westbound ramps).

As further evidence of the emerging consensus between Heschel West and the City, Heschel West has consented to modifications addressing fully 80% of the City's suggestions regarding the conditions of approval to be drafted by DRP staff.

Finally, we note that Heschel West has provided an abundance of additional information to DRP staff to assist in their preparation of a comprehensive staff report that addresses all of the "outstanding issues" raised at the May 25 and June 15 hearings.

As always, we appreciate your consideration of the foregoing comments, and the merits of the proposed project. We look forward to meeting with you on September 7 for what we hope is one last time!

Meanwhile, please contact either of the undersigned at (310) 203-8080 with any questions or requests.

Best regards,



BENJAMIN M. REZNIK and
DEREK JONES of
Jeffer, Mangels, Butler & Marmaro LLP

cc: Supervisor Zev Yaroslavsky
Vivian Rescalvo, Planning Deputy to Supervisor Yaroslavsky
Kim Szalay, Regional Planning Assistant II

August 30, 2005

VIA INTERNET AND U.S. MAIL

Mr. Kim Szalay
Regional Planning Assistant II
County of Los Angeles
Department of Regional Planning
320 West Temple St.
Los Angeles, CA 90012-3225

**Re: Heschel West
Conditional Use Permit Number 98-062**

Dear Kim:

Our office represents Abraham Joshua Heschel Day School West ("Heschel") in connection with its development of a permanent campus for grades pre-K through 8 on 73 acres of land immediately north of the Ventura Freeway (US 101), and east of Chesebro Road (the "Site").

By this letter we offer Heschel's responses to comments received from the City of Agoura Hills regarding the County's Conditions of Approval for the contemplated development. Specifically, we respond to the additions or modifications to the County's Conditions of Approval which are requested in a letter dated August 9, 2005 from Mike Kamino, the City's Planning and Community Development Director, and an accompanying memorandum to Mr. Kamino from Assistant City Manager Jim Thorsen (collectively, the "City's Comments").

For your convenience, we have reproduced the City's Comments below, in bold typeface. Heschel's responses immediately follow the corresponding City Comment.

COMMENTS ENUMERATED IN LETTER FROM M. KAMINO

1. Add the following sentence to Condition 28i, "...and shall also be coordinated with the City of Agoura Hills."

Draft Conditions of Approval 28(i) and 28(k) both require Heschel West to obtain temporary use permits for any events that would require "additional parking beyond the 223 spaces provided..." Heschel agrees with the concept that the size of special events should be

limited to parking capacity; however, because the Site could easily accommodate 400 vehicles (even during Phase I of the development), Heschel instead suggests a Condition that would require a special event parking management plan to be submitted for review and approval by the Director of Planning, *in coordination with the City*. Specifically, traffic engineers Crain & Associates estimate that the football field at the Site could accommodate approximately 110 vehicles, and the internal driveway on the Site could accommodate approximately 65 more vehicles. A preliminary Special Event Parking Plan is attached as Exhibit A. Heschel respectfully submits that a Temporary Use Permit should be required only for events that are likely to exceed on-Site parking capacity. In the alternative, Heschel suggests a condition clarifying that events requiring up to 223 permanent parking spaces may generally occur at any time *without* the need for a Temporary Use Permit, while events requiring more than 223 parking spaces may occur only during non-peak traffic hours unless a Temporary Use Permit is secured.

2. Add the following sentence to Condition 28k, "Prior to the issuance of the temporary use permit, the Director of Planning shall coordinate with the City of Agoura Hills."

See above.

3. Amend Condition 28k to allow no more than 24 special events that could exceed 150 attendees but that would be accommodated with the proposed 223 onsite parking spaces, and no more than four additional events with up to 1,500 attendees. This is consistent with what the applicant has indicated in the DEIR and in the JMBM letter to the County Regional Planning Commission dated June 14, 2005. This would help to ensure that traffic congestion and parking constraints are kept to a minimum.

Heschel consents to a condition that allows 24 events with more than 150 attendees but for which all parking can be accommodated on-Site (per the attached sample Special Event Parking Plan). Heschel also consents to a condition that allows only four additional special events with up to 1,500 attendees.

4. Add a condition incorporating the components of the applicant-sponsored Transportation Demand Management Plan, as well as the requirement for a carpool plan mandating a minimum of 25 percent participation (see Condition 28c).

Heschel has prepared a Transportation Demand Management Plan, which aims to involve 20% of its student enrollment in carpooling.

5. A condition should be added that stipulates that no construction traffic shall be allowed on residential roads, including Chesebro Road, unless approved by the City of Agoura Hills.

Heschel proposes to add the following language to Condition 28s: "Construction traffic shall utilize the primary site access driveway as soon as the route is improved (i.e.,

graded) adequately to provide practical access. Prior to the construction of the primary access driveway, construction traffic shall utilize Chesebro Road to access the Site."

6. A condition should be added that requires that adequate vegetative visual screening of the development of each proposed project phase shall be installed prior to or at the same time as the completion of each particular phase.

Heschel consents to this modification.

7. Add to Condition 28n the following: Low level lighting shall be employed to the extent feasible. Motion sensor devices shall be installed on all security lighting. Wattage shall be less than 0.05, except that security lighting shall be less than 0.10 and walkway lighting less than 0.08. Low decorative walls or vegetated hedges shall be used along the perimeter of the surface parking lot nearest the homes along Chesebro Road to shield headlights from illuminating or creating glare in offsite areas.

Heschel agrees with the spirit of this modification, but instead suggests the following language:

"The permittee shall limit the luminance generated by proposed lighting fixtures on the Site to that consistent with ambient illumination levels found in Lighting Zone 2 (LZ2- semi-rural areas) as defined by the Illuminating Engineering Society of North America. No permanent lighting fixtures shall be placed on the athletic field or in landscaped open areas of the campus.

The permittee shall also implement a light curfew between the hours of 10 pm and 6 am where only the minimal lighting necessary to maintain security of structures is allowed. No lighting of monumentation signage, parking lots, or driveways shall occur during the curfew period. Under all circumstances, light trespass shall not exceed an average of 0.5 footcandles as measured five feet inside of the property line or at the westerly edge of the wildlife corridor conservation easement."

8. Add to Condition 28q the requirement that a minimum 100-foot buffer area between the project development area and the existing homes along Chesebro Road be dedicated to open space in some form of legal instrument, such as a deed restriction or conservation easement, with evidence of the recordation provided to the County prior to issuance of permits. As currently presented by the applicant and in the DEIR, there is no guarantee that this "buffer" would indeed remain an open space buffer. Yet, the DEIR continues to refer to this area as a "buffer" separating the existing homes from the proposed development.

Heschel agrees to record an easement, in favor of the County, providing for a 100-foot buffer between the rear property lines of homesites lining Chesebro Road and any school

buildings. However, such easement shall not be construed to restrict access to the Site, nor shall it be construed to make the subject land available for public use(s).

9. Add to Condition 281 the requirement that no amplified sound shall be permitted at any time. The DEIR does not contain sufficient analysis and discussion of the types of amplified sound, the times, and the frequency, so this condition is needed to ensure that noise impacts are not significant.

Heschel will not agree to a full-scale prohibition on amplified sound. Specifically, Heschel disputes the assertion that the DEIR fails to adequately address amplified sound. Please refer to Page 4.3-19 through 4.3-21 of the DEIR for an evaluation of point noise sources at the Site, including school bells, buzzers, and similar amplified sounds. Also, all such sources of noise are subject to the County's Noise Ordinance, which regulates point sources such as amplified sounds from the school. See Table 4.3-2 on page 4.3-7 of the Draft EIR, which depicts the County of Los Angeles Exterior Noise Standards for Stationary and Point Noise Sources.

10. Because we do not believe that potential aesthetic impacts to adjacent homes have been adequately assessed and mitigated in the DEIR, we request that you add a condition requiring the landscape plan for the portion of the site bordering Palo Comado and Chesebro Roads to be submitted for review and approval to the City of Agoura Hills prior to the County issuing any permits. The plan shall include the use of native species and oak trees that provide sufficient visual screening from the existing homes in Old Agoura to the proposed buildings. The plan shall be prepared by a qualified landscape architect and/or restoration biologist well versed in oak trees and native species.

Although Heschel disputes the assertion that the DEIR does not adequately address aesthetic impacts, Heschel proposes to add the following language to Condition 24 (or to create a new condition, i.e., Condition 28y):

"Landscaping designed to screen the developed portion of the campus from offsite views shall be installed as part of Phase 1. The landscape plans submitted pursuant to Condition 24 shall depict the landscape buffer along Chesebro Road, the westerly manufactured slope of the campus and appurtenant areas as well as the limited view corridor from Palo Comado Canyon along westerly property boundary. The landscape plan shall be prepared by a landscape architect or other qualified professional and shall incorporate oak trees and other native species."

11. The assessment of potential wetland impacts is inadequate in the DEIR. The following condition is recommended to ensure that impacts are properly assessed prior to any earthmoving activity occurring: The wetlands and other potential riparian habitat onsite, and potential impacts from the proposed project, shall be further assessed by a qualified biologist, and potential U.S. Army Corps of Engineers, California Department of Fish and Game, and any other relevant agencies' jurisdiction determined. Confirmation of jurisdictional determination by these agencies shall be provided to the

County. If there are impacts to these areas, the applicant shall prepare a restoration plan, including maintenance and monitoring components. The restoration plan shall be submitted for review and approval by the County prior to issuance of a Grading Permit.

Heschel consents to this modification, but notes that nearly all potential jurisdictional resources on the Site are located within the contemplated 29-acre Conservation Easement.

12. Because noise issues have not adequately been assessed, a condition should be added that limits the hours of evening and early morning events so that noise impacts on adjacent neighbors are minimized. Similarly, a condition should be added that requires the applicant to provide a summary of anticipated special events and number of attendees expected, along with noise attenuation measures to be employed for the particular types of events, to the County for review and approval prior to issuance of a Certificate of Occupancy.

Although Heschel disputes the assertion that noise issues have not been adequately addressed (see response to comment 9, above), Heschel consents to a limit on hours of activities at the Site. Specifically, Heschel agrees to limit activities at the Site to hours between 7 am and 10 pm.

COMMENTS ENUMERATED IN MEMORANDUM FROM J. THORSEN

PUBLIC WORKS' CONDITIONS:

General

1. All improvement plans, including, but not limited to, street, drainage, signal, and striping/signage plans, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.

The proposed condition is not relevant to the subject Conditional Use Permit application. Rather, the proposed condition apparently relates exclusively to an Encroachment Permit application to the City.

2. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.

Heschel agrees with the spirit of this comment. However, as above, the proposed condition is not relevant to the subject Conditional Use Permit application.

3. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.

Heschel acknowledges responsibility for the costs of acquiring off-site property or easements over same in connection with the contemplated widening of Palo Comado Canyon Road and/or the contemplated construction of a roundabout or installation of a traffic signal at Palo Comado/US 101. However, Heschel does not assume any responsibility for the costs of acquiring off-site property or easements over same in connection with the re-alignment of Canwood Street contemplated by Comment 21, below.

4. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.

The proposed condition is not relevant to the subject Conditional Use Permit application. Rather, the proposed condition apparently relates exclusively to an Encroachment Permit application to the City.

5. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.

The proposed condition is not relevant to the subject Conditional Use Permit application. Rather, the proposed condition apparently relates exclusively to an Encroachment Permit application to the City.

6. All block walls and retaining walls shall be limited to six feet in height.

Heschel cannot consent to such a condition. Instead, Heschel proposes a condition that limits block walls or retaining walls to the locations and heights identified on "Exhibit A" (the Site Plan referenced in Condition Number 1).

Grading

7. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.

Any grading work performed within City limits shall conform to the City's Grading Ordinance and shall be acceptable to the City Engineer. Otherwise, County ordinances govern.

8. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.

Any grading work performed within City limits shall conform to the City's Grading Ordinance and shall be acceptable to the City Engineer. Otherwise, County ordinances govern.

9. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.

Any grading work performed within City limits shall conform to the City's Grading Ordinance and shall be acceptable to the City Engineer. Otherwise, County ordinances govern.

10. All off-site work shall require written permission from the affected property owner prior to beginning said work.

Heschel agrees to secure written permission from any person owning property upon which off-site work is to be performed.

11. The applicant shall submit to the City Engineer for review and approval the haul route for fill/excavation material.

Heschel has not proposed any off-site transport of fill or excavation material.

Drainage

12. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.

Heschel does not agree to submit a drainage plan for review and acceptance by the City Engineer – the County Engineer is empowered to review and accept such plan. However, Heschel consents to the balance of the requested modification.

13. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner. The applicant shall obtain appropriate permits from regulating agencies prior to drainage improvements within any streambed.

Except for drains dedicated to the County Department of Public Works, Heschel consents to the requested modification.

14. All storm drain improvements within the City limits shall be reviewed and approved by the City Engineer and Los Angeles County Public Works. Prior to acceptance of the improvements, the applicant shall transfer all storm drain maintenance responsibilities over to the Los Angeles County Public Works Department.

Heschel consents to the requested modification.

15. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan (SUSWMP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require detention and treatment of the first 0.75 inches of surface runoff during a rainstorm.

Heschel does not agree to submit a SUSWMP for review and acceptance by the City Engineer. The Site is subject to existing County requirements for stormwater management.

16. The SUSWMP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants and erosion in storm water discharges from the construction site during the construction period and after construction as required.

The Site is subject to existing County requirements for stormwater management.

Streets/Traffic

17. Prior to issuance of any building permit, the applicant shall pay the full amount of the Arterial Street System Development Fee (TIF) specified in the City of Agoura Hills Municipal Code. The estimated fee of \$1,239,520 is based on 508 pm peak trips at a rate of \$2,440 per trip. Actual fees will be determined at the time of building permit issuance. The applicant is eligible to receive reimbursement of the TIF payment for all improvements that are on Palo Comado Canyon Road and at the interchange. The applicant shall submit all invoices paid demonstrating actual costs incurred to construct the improvements. The City Engineer shall review and approve all eligible reimbursement costs.

The City's Arterial Street System Development Fee Resolution ("Fee Resolution") does not specifically contemplate assessment of traffic impact fees ("TIFs") on school developments. Accordingly, we assume the quantity of traffic impact fees to be paid by the School to the City will be subject to negotiation, and the RDEIR and accompanying traffic study provide ample bases for calculating an appropriate contribution by the School to the City. However, we note that the Fee Resolution assesses TIFs based on p.m. peak hour trips, of which the School will generate only 79 (*not* 508, as the City alleges). Heschel appreciates the City's suggestion that Heschel should receive "reimbursement" of any assessed TIFs for improvements on Palo Comado Canyon Road and at the US101 interchange.

18. The applicant shall design and construct the westerly one-half (32 feet) of Palo Comado Canyon Road improvements from the intersection of Chesebro Road/Driver Avenue to the existing improvements that abut the existing service station. The design shall be completed and accepted by the City of Agoura Hills prior to issuance of a grading permit. The construction improvements shall be completed and accepted prior to occupancy of any structure on the project site.

Heschel consents to the requested clarification, with the qualification that the above-referenced "grading permit" is solely for the contemplated widening and not for on-site grading activity.

19. Prior to issuance of a grading permit, the applicant shall design street improvements at the Canwood Street/Chesebro Road/Driver Avenue/Palo Comado Canyon Road intersection. The street improvements shall include the construction of an eastbound and westbound exclusive left turn lane in addition to a shared through/right turn lane on Driver Avenue and Palo Comado Canyon Road. These improvements may require the road widening on the north side of Driver Avenue west of Chesebro Road. Said design shall be reviewed and approved by the City of Agoura Hills. Prior to occupancy of any structure on the project site, the applicant shall fully construct and have accepted by the City of Agoura Hills, said street improvements at Canwood Street/Chesebro Road/Driver Avenue/Palo Comado Canyon Road intersection.

Heschel consents to the requested clarification, with two qualifications: 1) the westbound exclusive left-turn lane on Palo Comado Canyon Drive has already been installed; and 2) the aforementioned improvements shall be completed prior to occupancy of *Phase II* of the campus development.

20. Prior to issuance of a grading permit, the applicant shall design a roundabout at the intersection of the U.S. 101 northbound freeway ramp and Palo Comado Canyon Road/ Canwood Street. Said roundabout design shall be reviewed and approved by Caltrans and the City of Agoura Hills prior to issuance of said grading permit for the project. The applicant shall be solely responsible for acquiring any off-site right-of-way as necessary to construct the full improvements for the roundabout. The applicant shall dedicate to the appropriate agency (Caltrans or City of Agoura Hills) the right-of-way for roundabout. Prior to occupancy of any structure on the project site, the applicant shall fully construct and have accepted by Caltrans and the City of Agoura Hills the roundabout street improvements.

Heschel consents to the requested clarification, with two qualifications: 1) Heschel agrees *to pay for* (not necessarily "to acquire") any off-site right-of-way necessary to construct such roundabout; and 2) although the roundabout design shall be reviewed by the City of Agoura Hills, the approval of the roundabout is within Caltrans' exclusive jurisdiction.

21. In lieu of the three previous conditions (Conditions no. 18, 19, and 20) and prior to issuance of a grading permit for the site, the applicant shall:

- **Design a new intersection (mid-block) on Palo Comado Road approximately 200 feet east of Chesebro Road...**
- **Design full width street improvements for Palo Comado Canyon Road from the existing intersection of Driver Avenue/Chesebro Road to the US 101 Freeway offramp...**
- **Design a traffic signal for both the new mid-block intersection and for the intersection of US101 westbound freeway ramp/Palo Comado Canyon Drive...**

Additional dialog between Heschel, the City, and the County is necessary in order for Heschel to appropriately comment on the "mid-block alternative," whether or not such alternative also involves re-alignment of Canwood Street. However, under no circumstances will Heschel agree to undertake such re-alignment as a necessary precondition to *Phase I* occupancy (390 students).

22. The applicant shall design and construct a new signal at Chesebro Road and US 101 eastbound ramps at Dorothy Drive. The design shall be reviewed and approved by Caltrans and the City of Agoura Hills prior to issuance of a grading permit.

The applicant shall fully construct the signal prior to occupancy of any structure on the project site.

Heschel agrees to re-stripe the US101 eastbound ramp at Dorothy Drive prior to occupancy of *Phase II* of its campus development. Additionally, Heschel agrees to pay a fair-share of the *reasonable* costs of signaling the aforementioned intersection (again, prior to occupancy of *Phase II*). However, if the City does not install the aforementioned traffic signal(s) within 5 years after Heschel's fair-share contribution is made, the City will refund such contribution.

23. The applicant shall pay to the City of Agoura Hills a pro-rata fair share of a traffic signal for both the impacted intersections of Laura La Plante Drive/Agoura Road and also Chesebro Road/Palo Comado Canyon Road (south of the US101 freeway). Said pro-rata fee shall be based upon 25% of the cost of a signal as calculated by the City of Agoura Hills.

Heschel consents to the requested modification, with three qualifications: 1) Heschel shall contribute 25% of the *reasonable* cost of the aforementioned traffic signals; 2) such contribution shall be made prior to Heschel's occupancy of *Phase II* of its campus development; and 3) if the City does not install the aforementioned traffic signals within 5 years after Heschel's fair-share contribution is made, the City will refund such contribution.

24. All walls adjacent to public right-of-way shall be located entirely on private property.

The proposed condition is not relevant to the CUP insofar as Heschel has not proposed any walls in or proximate to public rights-of-way, and we respectfully submit that walls "adjacent to" public right-of-way are, by definition, on private property.

Utilities

25. The applicant shall underground all existing overhead utilities within the public right-of-way for those street areas that are reconstructed by this project. This shall include any utilities along the westerly half of Palo Comado and also any portion of the realigned Canwood Street south of Driver Avenue.

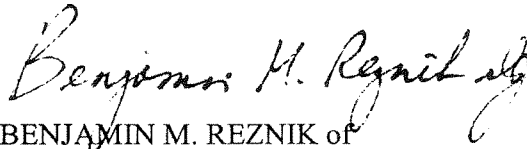
Heschel agrees to underground any existing overhead utilities within the public right-of-way along the west side of Palo Comado, at such time as Heschel reconstructs (i.e., widens) that side of the roadway. Likewise, Heschel agrees to underground any existing overhead utilities within the public right-of-way beneath or adjacent to the "realigned" Canwood Street south of Driver Avenue, in the event that Heschel constructs such a realigned roadway in conjunction with its construction of a School access driveway at "mid-block" along Palo Comado.

26. The applicant shall relocate those underground facilities such as water and sewer to coordinate and align with the construction of new street improvements to be constructed by the project. This shall include any utilities along the westerly half of Palo Comado and also any portion of the realigned Canwood Street south of Driver Avenue.

Heschel agrees to relocate underground facilities (such as water and sewer) as reasonably necessary to accommodate Heschel's contemplated reconstruction (i.e., widening) of the west side of Palo Comado. Likewise, Heschel agrees to relocate such underground facilities as reasonably necessary to accommodate Heschel's construction of a "realigned" Canwood Street south of Driver Avenue, in the event that Heschel constructs such a realigned roadway in conjunction with its construction of a School access driveway at "mid-block" along Palo Comado..

On behalf of the entire Heschel community, we greatly appreciate your efforts to keep this worthwhile project moving forward.

Sincerely,



BENJAMIN M. REZNIK of
Jeffer, Mangels, Butler & Marmaro LLP

BMR:DJJ

cc: Mike Kamino, City of Agoura Hills
Jim Thorsen, City of Agoura Hills
Vivian Rescalvo, 3rd Supervisorial District

Szalay, Kim

From: Szalay, Kim
Sent: Wednesday, August 31, 2005 4:16 PM
To: Szalay, Kim
Subject: FW: Heschel West -- financial resources

-----Original Message-----

From: David Rifkind [mailto:drifkind@gspartners.com]
Sent: Wednesday, August 31, 2005 3:11 PM
To: Jones, Derek
Subject: RE: Heschel West -- financial resources

August 31, 2005

VIA E-MAIL
Mr. Kim Szalay
(kszalay@planning.co.la.ca.us)
Regional Planning Assistant II
County of Los Angeles
Department of Regional Planning
320 West Temple St.
Los Angeles, CA 90012-3225

Re: Heschel West (CUP No. 98-062); Financial Resources

Dear Mr. Szalay:

During public hearings before the Regional Planning Commission, opponents of the Heschel West project have raised questions about the School's financial means, and expressed a general concern that the School will "walk away" from a half-finished project. As the School's President, and a real estate finance professional, I hope to put that concern to rest.

Over the past five years, Heschel West has been able to raise approximately \$4.5 million, without even knowing when it can move onto the Site, and without the benefit of alumni support upon which the School will eventually come to rely. The School has more than tripled its constituency of stakeholders since its first capital campaign, thanks in no small part to the enthusiastic support of organizations like the Jewish Federation of Greater Los Angeles and the Jewish Community Foundation of Greater Los Angeles. The School now has a number of significant gifts which are contingent upon project approval and/or ground-breaking.

Also, the School is in the process of underwriting a bond for construction of Phase I and possibly Phase II. The School has not yet sized the offering, because it wants to see how much cash it has on-hand at the time of the bond offering. However, Heschel West's borrowing capacity exceeds the current estimated cost of Phase I construction.

Regarding the need to move beyond Phase I, the School simply cannot survive in modular classrooms. A quality program requires permanent buildings. The School's growth is dependent on offering world-class facilities. That is what Heschel West has promised its families, and that is what Heschel West will deliver. All of our planning and financial resources are in full motion to build a permanent campus as quickly as possible.

Sincerely,

David Rifkind
GSP/Rifkind Capital Advisors

8/31/2005

APPLICANT'S BURDEN OF PROOF STATEMENTS

BURDEN OF PROOF
CONDITIONAL USE PERMIT NO: 98-062
HESCHEL SCHOOL WEST

- A. The proposed private elementary and middle school constitutes a necessary land use that contributes to the fabric of the local community. This private school will help meet the region's need for additional classroom space to educate the children and the facilities, provided by the school, will contribute to the larger community's recreational and educational program infrastructure. The location offers distinct advantages over typical neighborhood school sites, in that the direct access to the Ventura Freeway avoids routing school traffic through residential neighborhoods. The large seventy-one (71) acre site allows school facilities to be set back from the property boundary, providing space for the landscape screening of adjoining residential lots while buffering adjacent homes from noise. Overall, the site offers distinct advantages over typical neighborhood school sites by providing a location that is both convenient to the students yet buffered from adjacent homes and the community. The site is separated from freeway noise by intervening topography. An urban level of services are available to the site.
- B. The seventy-one (71) acre site is more than adequate to accommodate the school's approximately twenty-five (25)-acre campus. Much of the remaining 46 acres, encompassing the surrounding hillsides will remain as open space including an open space buffer area along the eastern property boundary adjacent to the Liberty Canyon wildlife corridor. All required parking & loading areas are accommodated on-site with no spillover effects into residential areas. The circular roadway design provides for adequate on-site access and circulation. In addition, the size of the parcel allows for a substantial building setback (approximately 350 feet) from the residential homes to the west. The campus will incorporate several acres of landscaping. Adequate land area is available for all appurtenant facilities including parking and recreation venues.
- C. The school has direct access to the Ventura Freeway (Hwy 101), at its intersection with Palo Camado Canyon Road, via Canwood Street within the City of Agoura Hills. The project proposal includes the improvement of this intersection to accommodate school traffic. These improvements would include signalization of the intersection to improve traffic flow in the peak traffic hours and the widening of Palo Camado Canyon Road and the improvement of Canwood Street. As proposed, these roadway improvements will provide for the efficient ingress and egress from the school site. The on-site entrance road will have a forty (40) foot wide pavement section to accommodate vehicular movement while providing an emergency center lane.

The site is adjacent to urban areas within the City of Agoura Hills and the Ventura Freeway corridor. Urban services and utilities are available. The Las Virgenes Municipal Water District's water and sewer trunk line infrastructure is available to the site.